



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,140	12/13/2000	Andrew J. Fish	042390.P9468	9123
7590	05/04/2004		EXAMINER	
Kenneth B. Paley BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			TRUONG, LECHI	
			ART UNIT	PAPER NUMBER
			2126	7
			DATE MAILED: 05/04/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/737,140	FISH ET AL.
	Examiner LeChi Truong	Art Unit 2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 August 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 1-27 is/are allowed.

6) Claim(s) _____ is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6) Other: _____

DETAILED ACTION

1. Claims 1-27 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 6, 10, 11, 14, 15, 19, 20, 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Provino et al (US. Patent 5,732,282) in view of Admit Prior Art (APA).
3. **As to claim 1**, Provino teaches the invention substantially as claimed including: a processor (processor 11, col 2, ln 35-65), first computer system units (virtual device drives, generally identified by reference numeral 22, col 3, ln 15-38/ fig. 2), receiving information (information, calling information, col 3, ln 15-38, col 4, ln 21-42), memory (registration 20, col 3, ln 35-65/ col 4, ln 21-42/ registration data base, col 5, ln 45-50/ fig. 2), second computer system unit (application program and other virtual device drivers, col 3, ln 15-38/col 4, ln 21-42), an initial request(call information request, col 1, ln 54-67/ request, col 4, ln 1-12/ calling program, col 3, ln 35-65/ the call, col 4, ln 21-42), said received information stored in said

memory before the receipt of said request /subsequent to said request (after registering with the registry 20, the virtual device drivers are available for call by calling programs, col 3, ln 35-65).

4. Provino does not explicit use the BIOS routine for receiving and transmitting the information, the information comprises at least one of error information, status information, and configuration information. However APA teaches use the BIOS routine for receiving and transmitting the information (BIO routine initialization, page 3, ln 1-20), the information comprises at least one of error information, status information, and configuration information (an at least one device that has already initialized may acquire component and system information that is useful to and should be provided to at least one other device. This information includes : error information, status information, configuration information event information, page 3, ln 1-20).

5. It would have been obvious to one of the ordinary skill in the art at time the invention was made to combine the teaching of Provino and APA because APA's BIO routine initialization, error information, status information, configuration information event information would enable a computer to start the operating system, to communicate with the various devices in the system, such as disk drives, keyboard, monitor, printer, and to describer the device 's information which are stored in memory should be provided to other device.

6. **As to claim 2,** APA teaches unit information, system information, error information, status information, configuration information, and event information. error information, status information, configuration information event information (page 3, ln 1-20).

7. **As to claim 5**, Provino teaches the received information in a memory is according to a time of receipt of said information (at the initialization, the virtual device driver registering with the registry 20, col 3, ln 15-38).

8. **As to claim 6**, provino teaches the receiving information stored in the memory before a receipt of said request (after registering with the registry 20, the virtual device driver are available for call by calling program, col 3, ln 15-38).

9. **As to claims 10, 11, 14, 15, 19, 20, 23, 24**, they are an apparatus claims of claims 1,2, 4, 56; therefore, they are rejected for the same reasons of claims 1,2, 4, 3, 6 above.

10. Claims 3,4, 12,13, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Provino et al (US. Patent 5,732,282) in view of Admit Prior Art (APA) and further in view of PI (Persistor CF1 User's Manual BIOS Management Calls).

11. **As to claim 3,4**, Provino teaches information (information, calling information, col 3, ln 15-38, col 4, ln 21-42).

12. Provino and APA do not teach an API for the receiving and providing information. However, PI teaches an API for the receiving and providing information (BIOSAPI, Page 4 of 7 and 5 of 7).

13. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Provine, APA and PI because PI's BIOSAPI would make computer system BIOS initialization more consistent with the operating environment.

14. **As to claims 12,13, 21, 22,** they are apparatus claims of claims 3,4; therefore, they are rejected for the same reasons as claims 3,4 above.

15. **Claims 7,8, 9, 16, 17, 18, 25, 26, 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Provino et al (US. Patent 5,732,282) in view of Admit Prior Art (APA) and further in view of OSR (Using The NT Registry for Driver Install).

16. **As to claim 7,** Provino teaches information (information, calling information, col 3, ln 15-38, col 4, ln 21-42).

17. Provino and APA do not teach a sequence number and an absolute time. However, OSR teaches a sequence number and an absolute time (Type value, start value, section: the keys, required values).

18. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Provino, APA and OSR because OSR's Type value, start value, section would be able to correctly find, load and start a device.

19. **As to claim 8** OSR teaches a categorized subset of all said received information (group, section: group).

20. **As to claims 9, 16-18, 25-27,** they are apparatus claims of claims 7,8,9; therefore, they are rejected for the same reasons as claims 7,8, 9 above.

Response to the argument

21. Applicant amendment filed on 8/28/03 has been considered but they are not persuasive.

22. In the remarks, applicant argued in substance that (1) "information from a first unit that comprises at least one of error information, status information, and configuration information".

23. Examiner respectfully traversed applicant's remarks:

As to the point (1), APA teaches an at least one device that has already initialized may acquire component and system information that is useful to and should be provided to at least one other device. This information includes : error information, status information, configuration information event information(page 3, ln 1-20).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Application/Control Number: 09/737,140
Art Unit: 2126

Page 7

LeChi Truong

April 20, 2004



MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100